

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. Box 1347
WILMINGTON, DELAWARE 19899-1347

302 658 9200
302 658 3989 FAX

JACK B. BLUMENFELD
302 351 9291
302 425 3012 FAX
jblumenfeld@mnat.com

June 11, 2008

The Honorable Joseph J. Farnan, Jr.
United States District Court
For the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Sepracor, Inc. v. Dey, L.P., et al.*
C.A. No. 06-113 (JJF) (Consolidated)

Dear Judge Farnan:

We write in response to Dey's letter to the Court of earlier today. All parties have agreed to request the scheduling of a *Markman* hearing in mid-July or as soon thereafter as the Court's schedule permits and to submit a proposed schedule a week after the Court's *Markman* decision. We will not take the Court's time responding to Dey's allegations that the innovator, Sepracor, and the generic, Barr, are conspiring against Dey. It is correct, however, that Sepracor and Barr agree that the schedules Dey has proposed thus far for the consolidated case are not realistic. We will respond at the appropriate time if the parties are unable to agree on a consolidated schedule. In the meantime, Sepracor respectfully requests that a *Markman* hearing be scheduled in mid-July or as soon thereafter as the Court is available.

Respectfully,



Jack B. Blumenfeld

JB/dlb

cc: Clerk of Court (Via Hand Delivery)
Steven J. Balick, Esquire (Via Electronic Mail)
Elizabeth A. Leff, Esquire (Via Electronic Mail)
Richard Hermann, Esquire (Via Electronic Mail)
Imron T. Aly, Esquire (Via Electronic Mail)
Joseph M. O'Malley, Esquire (Via Electronic Mail)